

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-294-WS - ORDER NO. 2007-764
NOVEMBER 19, 2007

IN RE: Concerned Citizens Against Carolina Water, Inc.,)	ORDER
Complainant/Petitioner)	DISMISSING
v.)	COMPLAINT
)	
Carolina Water Service, Inc.,)	
)	
Defendant/Respondent.)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Dismiss and for Imposition of Sanctions filed by Respondent Carolina Water Service, Inc. (CWS or the Company), against Complainant Brenda Bryant and the Concerned Citizens Against Carolina Water, Inc. As explained below, we grant the Motion to Dismiss, but deny the request for imposition of sanctions as discussed below. Additionally, while the Motion to Dismiss contains numerous grounds, we find it sufficient to dismiss based only on the grounds described below. We take no position on the additional grounds stated at this time.

In part, the Motion alleges that the complaint is legally insufficient and so deficiently drawn that it fails to support the request for a hearing. We agree. As noted, the Complaint relies upon statutory and regulatory provisions, some of which have been

repealed and are no longer effective. For example, the Complaint states that the Commission is empowered to direct the South Carolina Attorney General to intervene in this action on behalf of the Complainant. See S.C. Code Ann. Section 58-3-120 (1) (1976). Further, the Complaint asserts that the Office of General Counsel to the Commission is empowered to intervene on behalf of CCACW. See 26 S.C. Code Ann. Regs. 103-814 (1976), incorrectly cited in the Complaint as 103-702.2 (1976). The statutory and regulatory authority relied upon has been repealed both implicitly and explicitly by the enactment of 2004 S.C. Acts 175 and 2006 S.C. Acts 318. ...

Further, S.C. Code Ann. Section 58-5-270 (Supp. 2006) provides that “the commission may at its discretion refuse to entertain a petition as to the reasonableness of any rates or charges unless it be signed...by not less than twenty-five consumers of the public utility named in the complaint.” The Petition filed by CCACW fails to contain the requisite signatures and the Commission is not obligated to consider this request.

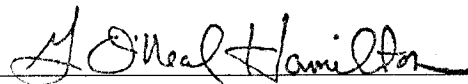
In addition, CWS points out that the present Complaint is virtually identical to complaints previously filed with the Commission by Ms. Brenda Bryant and CCACW in Docket Nos. 1996-259-W/S and 1997-378-W/S. As CCACW is simply recycling old documents, the issues contained are not novel and do not assert new facts for the Commission’s consideration. Such filings are a waste of economic and judicial resources of the Commission. These inappropriate filings can also result in higher rates to the customers of the utility, through an increase in legal expenses that may be passed through to the ratepayers.

While CWS has argued for the imposition of sanctions against CCACW and/or Ms. Bryant, we elect not to assess costs or other sanctions at this time. However, in keeping with this Commission's obligations to carry its duties in a manner consistent with the public interest, we hereby warn CCACW and/or Ms. Bryant that any further filings similar to the present one will not be met with leniency by this Commission, and sanctions may be imposed as we deem appropriate.

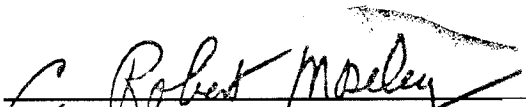
The Motion to Dismiss is granted and the Complaint is dismissed. The request for imposition of sanctions is denied.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)